



Reprinted  
April 1, 2015

---

---

## ENGROSSED HOUSE BILL No. 1300

---

DIGEST OF HB 1300 (Updated March 31, 2015 3:40 pm - DI 96)

**Citations Affected:** IC 22-13; IC 36-1; noncode.

**Synopsis:** Ordinances related to building and housing laws. Specifies that an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law: (1) must be submitted to the fire prevention and building safety commission (commission) for review within 30 days of adoption by the political subdivision; and (2) is not effective until it is approved by the commission. Provides that a state agency or political subdivision may not require a person or entity to obtain or maintain, or both, a license to install or maintain a low voltage thermostat of 50 volts or less. Establishes procedures for the commission's program for review of adopted ordinances and other regulations. Prohibits a county, municipality, or township from adopting an ordinance that requires or would have the effect of requiring a landlord to participate in: (1) a Section 8 program of the federal Housing Act of 1937; or (2) a similar program concerning housing.

**Effective:** Upon passage.

---

---

### McMillin, Eberhart, Klinker

(SENATE SPONSORS — BOOTS, BUCK)

---

---

January 13, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 3, 2015, amended, reported — Do Pass.

February 10, 2015, read second time, ordered engrossed. Engrossed.

February 12, 2015, read third time, passed. Yeas 77, nays 19.

#### SENATE ACTION

February 24, 2015, read first time and referred to Committee on Local Government.

March 26, 2015, reported favorably — Do Pass.

March 31, 2015, read second time, amended, ordered engrossed.

---

---

EH 1300—LS 7143/DI 96





Reprinted  
April 1, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1300

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-13-2-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The  
3 commission shall carry out a program to review the fire safety laws and  
4 the building laws adopted in the ordinances and other regulations of  
5 political subdivisions.  
6 (b) **Except as provided in subsection (c)**, an ordinance or other  
7 regulation adopted by a political subdivision that qualifies as a fire  
8 safety law or a building law:  
9 (1) **must be submitted to the commission for review within**  
10 **thirty (30) days after adoption by the political subdivision;**  
11 **and**  
12 (2) is not effective until it is approved by the commission.  
13 (c) ~~However~~, An ordinance that:  
14 (1) is adopted by a city, town, or county; and  
15 (2) governs the installations, repair, and maintenance of smoke

EH 1300—LS 7143/DI 96



1 detectors in residential structures that are not required to have  
 2 smoke detectors under the rules of the commission;  
 3 is effective without approval by the commission.

4 **(d) A:**

5 **(1) state agency; or**

6 **(2) political subdivision;**

7 **may not require a person or entity to obtain or maintain, or both,**  
 8 **a license in order to install or maintain a low voltage thermostat of**  
 9 **fifty (50) volts or less.**

10 SECTION 2. IC 22-13-2-5.5 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 12 UPON PASSAGE]: **Sec. 5.5. The commission's program for review**  
 13 **of adopted ordinances and other regulations of political**  
 14 **subdivisions submitted for approval by the commission under**  
 15 **section 5 of this chapter shall be conducted by the commission staff**  
 16 **as follows:**

17 **(1) A request may be made to the commission for preliminary**  
 18 **staff review at any time. The results of the staff review must**  
 19 **be furnished to the requester within a reasonable time.**

20 **(2) A submission by a political subdivision for approval of an**  
 21 **ordinance or other regulation by the commission shall be**  
 22 **made in hard copy or electronic form acceptable to the**  
 23 **commission. The staff shall place the submission on the**  
 24 **agenda for the first commission meeting scheduled later than**  
 25 **five (5) working days after the receipt of the submission. An**  
 26 **opportunity for public testimony may be afforded at the**  
 27 **meeting of the commission.**

28 **(3) A member of the commission may submit an adopted**  
 29 **ordinance or other regulation to the commission for review**  
 30 **under subdivisions (1) and (2) if the political subdivision did**  
 31 **not submit the adopted ordinance or other regulation within**  
 32 **thirty (30) days of adoption by the political subdivision as**  
 33 **required by section 5(b) of this chapter.**

34 **(4) The commission's order regarding the ordinance or other**  
 35 **regulation shall be issued following the requirements set forth**  
 36 **under IC 4-21.5-3-5. If a petition for review is subsequently**  
 37 **granted under IC 4-21.5-3-7, the commission's order shall be**  
 38 **deemed merely to have been a preliminary determination.**

39 **(5) One (1) copy of each approved ordinance or other**  
 40 **regulation, endorsed by the chair of the commission, shall be**  
 41 **returned to the political subdivision or, if the submission was**  
 42 **made by a member of the commission, to the member, with**



1           **the order approving the ordinance or other regulation.**

2           SECTION 3. IC 36-1-3-8.5 IS ADDED TO THE INDIANA CODE  
3           AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
4           UPON PASSAGE]: **Sec. 8.5. A unit may not adopt or enforce an**  
5           **ordinance that requires or would have the effect of requiring a**  
6           **landlord to participate in:**

7                 **(1) a Section 8 program of the federal Housing Act of 1937 (42**  
8                 **U.S.C. 1437f); or**

9                 **(2) a similar program concerning housing.**

10          SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) 675**  
11          **IAC 12-10-8 is void. The publisher of the Indiana Administrative**  
12          **Code and Indiana Register shall remove 675 IAC 12-10-8 from the**  
13          **Indiana Administrative Code.**

14                 **(b) This SECTION expires December 31, 2015.**

15          SECTION 5. **An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 22-13-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) The commission shall carry out a program to review the fire safety laws and the building laws adopted in the ordinances and other regulations of political subdivisions.

(b) **Except as provided in subsection (c)**, an ordinance or other regulation adopted by a political subdivision that qualifies as a fire safety law or a building law:

**(1) must be submitted to the commission for review within thirty (30) days after adoption by the political subdivision; and**

**(2) is not effective until it is approved by the commission.**

**(c) ~~However,~~ An ordinance that:**

**(1) is adopted by a city, town, or county; and**

**(2) governs the installations, repair, and maintenance of smoke detectors in residential structures that are not required to have smoke detectors under the rules of the commission;**

**is effective without approval by the commission."**

Page 2, delete line 1.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1300 as introduced.)

FRYE R

Committee Vote: yeas 9, nays 3.



# COMMITTEE REPORT

Madam President: The Senate Committee on Local Government, to which was referred House Bill No. 1300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1300 as printed February 3, 2015.)

HEAD, Chairperson

Committee Vote: Yeas 4, Nays 2

---

## SENATE MOTION

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(d) A:

(1) state agency; or

(2) political subdivision;

**may not require a person or entity to obtain or maintain, or both, a license in order to install or maintain a low voltage thermostat of fifty (50) volts or less."**

(Reference is to EHB 1300 as printed March 27, 2015.)

BOOTS

---

## SENATE MOTION

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 4 with "[EFFECTIVE UPON PASSAGE]".

Page 3, after line 7, begin a new paragraph and insert:

**"SECTION 5. An emergency is declared for this act."**

(Reference is to EHB 1300 as printed March 27, 2015.)

BOOTS

